

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 3, 7-9 and 12-16 have been amended to solely to address matters relating to form and claims 17 and 18 have been added. Support for the subject matter of claims 17 and 18 can be found at least in claims 5 and 6. Thus no new matter has been added.

I. Allowable Subject Matter

Applicants appreciate the indication that claims 4-9, 12 and 13 contain allowable subject matter. Claims 10 and 11 have not been rejected or objected to. Applicants respectfully submit that claims 10 and 11 also contain allowable subject at least for their dependency from claim 4 (which the Office Action indicates as containing allowable subject matter) as well for the additional features claims 10 and 11 recite (which are similar to the subject matter recited by claims 5 and 6 that the Office Action indicates as allowable).

Further, claims 14-16 are not rejected over any art of record. Therefore, Applicants respectfully submit that claims 14-16 contain allowable subject matter at least for their dependency from claims 4-6, respectively, as well as for the additional features they recite, which are similar to the features recited by claims 12 and 13 that the Office Action indicates as allowable.

As discussed below, claims 7 and 8 have been amended responsive to the §112, second paragraph, rejection, and thus should be allowable. Applicants further respectfully submit that all pending claims are allowable for at least the reasons discussed herein.

II. Claim Objections

The Office Action objects to claims 1, 5 and 6 as allegedly failing to comply with formalities. Claims 5 and 6 were amended to remove multiple dependencies by way of a Preliminary Amendment filed on February 23, 2006. Therefore, the objections to claims 5 and 6 are moot. Further, claim 1 has been amended responsive to the objection.

Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

III. 35 U.S.C. §112 Rejection

The Office Action rejects claims 7-9 and 12-16 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 7-9 and 12-16 have been amended responsive to the rejection.

Accordingly, withdrawal of the rejection is respectfully requested.

IV. 35 U.S.C. §102 Rejection

The Office Action rejects claims 1-3 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,031,037 to Hirao et al. (hereinafter "Hirao"). This rejection is respectfully traversed.

Hirao fails to disclose "a servo layer formed on a light incident side of the recording layer, the servo layer having one of wavelength selectivity and incident angle selectivity, each of the wavelength selectivity and the incident angle selectivity allowing the object light and the reference light to pass through the servo layer, wherein the servo layer reflects servo light having a wavelength different from a wavelength of the object light and a wavelength of the reference light or the servo layer reflects servo light having an incident angle different from an incident angle of the object light and an incident angle of the reference light," as recited by claim 1.

Referring to Fig. 1 of Hirao, a holographic recording medium having a transparent layer 14 is disclosed. The transparent layer 14 includes a servo-surface 13 and a light incidence surface. A reflecting layer 12 is formed on the servo surface 13 of the transparent layer 14 (see col. 4, lines 26-27). Further, a recording layer 15 is formed on the light incidence surface of the transparent layer 14 (see col. 4, lines 43-44).

Thus, Hirao fails to disclose "a servo layer formed on a light incident side of the recording layer," as recited by claim 1. Further, the reflecting layer 12 is a total reflection thin

film material that reflects any light incident thereon, and thus object light and reference light do not pass through the servo surface 13 (see col. 4, lines 26-28). Thus, Hirao fails to disclose "[a] servo layer having one of wavelength selectivity and incident angle selectivity, each of the wavelength selectivity and the incident angle selectivity allowing the object light and the reference light to pass through the servo layer," as recited by claim 1.

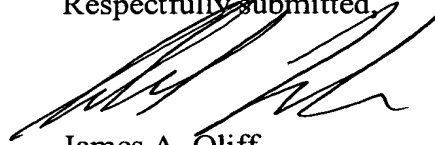
Therefore, claim 1 is patentable over Hirao. Claims 2-6 and 9-18 are also patentable for at least their various dependencies from claim 1 as well as for the additional features they recite.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Srikant Viswanadham
Registration No. 60,111

JAO:SQV/hs

Date: October 27, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--